

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 376 be amended to read as follows:

- 1 Page 2, after line 33, begin a new paragraph and insert:
2 "SECTION 2. IC 4-6-2-1.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.5. (a) Whenever any
4 state governmental official or employee, whether elected or appointed,
5 is made a party to a suit, and the attorney general determines that said
6 suit has arisen out of an act which such official or employee in good
7 faith believed to be within the scope of his duties as prescribed by
8 statute or duly adopted regulation, the attorney general shall defend
9 such person throughout such action.
10 (b) Whenever a teacher (as defined in IC 20-6.1-1-8) is made a party
11 to a civil suit, and the attorney general determines that the suit has
12 arisen out of an act that the teacher in good faith believed was within
13 the scope of the teacher's duties in enforcing discipline policies
14 developed under ~~IC 20-8.1-5-2(c)~~, **IC 20-8.1-5.1-7**, the attorney
15 general shall defend the teacher throughout the action.
16 (c) **Whenever a health care provider (as defined in**
17 **IC 16-18-2-163(c)) is made party to a malpractice (as defined in**
18 **IC 34-18-2-18) suit and the attorney general determines that:**
19 **(1) the malpractice claim relates to medical services provided**
20 **to an offender, who at the time the claim arose was committed**
21 **to the department of correction;**
22 **(2) the offender was transported to a hospital emergency**
23 **room for treatment of a traumatic injury or medical**
24 **emergency; and**

1 **(3) the department of correction authorized the offender's**
2 **transport to the hospital emergency room;**
3 **the attorney general shall defend the health care provider**
4 **throughout the action.**

5 **(d)** A determination by the attorney general under subsection (a) or
6 (b) shall not be admitted as evidence in the trial of any such civil action
7 for damages.

8 ~~(d)~~ **(e)** Nothing in this chapter shall be construed to deprive any
9 such person of his right to select counsel of his own choice at his own
10 expense."

(Reference is to ESB 376 as printed February 15, 2002.)

Representative Pelath